

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SANDRA LITTLE COVINGTON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 1:15-cv-399
	)	
THE STATE OF NORTH CAROLINA, et al.,	)	
	)	
Defendants.	)	

**RESPONSE OF THE STATE DEFENDANTS TO LEGISLATIVE DEFENDANTS’  
EMERGENCY MOTION TO STAY PENDING SUPREME COURT REVIEW AND  
REQUEST FOR EXPEDITED RULING**

Pursuant to Local Rule 7.2 and the Court’s January 22, 2018 Text Order, the State of North Carolina (“the State”) and the State Board of Elections and its members, all of whom have been sued in their official capacities (the “State Board Defendants”)<sup>1</sup> hereby respond to the Legislative Defendants’ Emergency Motion to Stay Pending Supreme Court Review and Request for Expedited Ruling, ECF No. 243 (the “Motion”).<sup>2</sup>

The State takes no position on the Motion, but it believes that a swift decision on a remedy would advance the public interest. To devise that remedy, the Court should follow fair procedures

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<sup>1</sup> Under a recently enacted state statute, the Bipartisan State Board of Elections and Ethics Enforcement has replaced the State Board of Elections. *See* 2017 N.C. SESS. LAW 6, sec. 4(c). The new Bipartisan Board does not yet have members appointed to it.

<sup>2</sup> “Legislative Defendants” consist of the following co-defendants: Robert A. Rucho, in his official capacity only as the Chairman of the North Carolina Senate Redistricting Committee; David R. Lewis, in his official capacity only as the Chairman of the North Carolina House of Representatives Redistricting Committee; Philip E. Berger, in his official capacity only as the President Pro Tempore of the North Carolina Senate; Timothy K. Moore, in his official capacity only as the Speaker of the North Carolina House of Representatives.

that will allow the Court to hear from all parties and to gather any further information the Court needs.

The State Board Defendants take no position on the Motion. The staff of the State Board of Elections stands ready and willing to assist the Court by providing any information the Court finds necessary or helpful.

Respectfully submitted, this 23<sup>rd</sup> day of January, 2018.

NORTH CAROLINA DEPARTMENT OF  
JUSTICE

By: /s/ Alexander McC. Peters  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing RESPONSE OF THE STATE DEFENDANTS TO LEGISLATIVE DEFENDANTS' EMERGENCY MOTION TO STAY PENDING SUPREME COURT REVIEW AND REQUEST FOR EXPEDITED RULING with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties with an email address of record, who have appeared and consent to electronic service in this action

This the 23<sup>rd</sup> day of January, 2018.

/s/ Alexander McC. Peters  
Alexander McC. Peters  
Senior Deputy Attorney General